

MEMORANDUM

To: MEP Implementation Committee

From: Alan D. Slater and Claire Barker, DEP-BRP

Date: January 10, 2005

Re: Implementation Committee Meeting of December 8, 2004

A meeting of the Massachusetts Estuaries Project Implementation Committee was held on December 8 at the Waquoit Bay National Estuarine Research Reserve. Several speakers made presentations and answered questions.

Update from Blue Ribbon Wastewater Committee – Tom Bernardo, Chairman

1. Collaborative is a partnership of Cape Cod towns and Barnstable County for coordinating and funding wastewater management, infrastructure development, and services.
2. Major benefit is the ability to receive and disburse funding. Note that a regional approach is the best vehicle to obtain funding for potentially expensive projects. Town government tends to be strong while regional government is weak in Massachusetts but the potential benefits in this instance favor the regional approach.
3. Public education and involvement also critical.
4. Draft ordinance establishing the Collaborative has been prepared, with a tentative schedule of April 2005 for the initial meeting of the Governing Board.
5. Questions remain about the structure and responsibilities of the Collaborative. The intent at this point is to outline a basic structure and finalize the details based on discussions with the towns. In this way the towns can be active participants in developing the details rather than simply being presented with the final product with limited prior involvement. Questions from the Committee included:
 - How will bonds be repaid – individual communities benefiting from the project or the regional as a whole?
 - How to handle communities who are reluctant to join the Collaborative?
 - What are incentives for communities to join? Why might a town not participate?

Financing Wastewater Management on Cape Cod – Mike Giggey, Wright-Pierce

1. Mike Giggey summarized the report that lists the tools available to the towns, Barnstable County and DEP to successfully manage wastewater treatment on Cape Cod.

2. Wastewater districts can be an effective means of solving wastewater problems, particularly when watersheds cross municipal boundaries. Key question is allocating nutrient loads and costs between communities.
3. There are a number of alternatives available including individual subsurface disposal systems, satellite facilities, cluster facilities, and centralized treatment. The correct mix will be determined for each community on a site-specific basis.
4. Escrow accounts: rather than implement enhanced treatment for individual homes prior to developing an area-wide solution, the cost of enhanced treatment would be placed in escrow and later used to offset that individual's share of the overall wastewater management solution.
5. Recommend amending MGL C.83 §3 to allow "checkerboard" sewer systems without requiring individual communities to file special legislation.
6. Recommend that DEP, thru SRF, finance the town acquisition of private facilities.

DEP Update – Andrew Gottlieb and Steve Halterman

1. Andrew Gottlieb noted that:
 - In spite of funding cuts in the agency, DEP has fully funded its share of MEP costs this fiscal year. Commissioner Gollidge supports the effort.
 - DEP will evaluate modifying its regulations and procedures to implement possible solutions for estuary projects. Using the Nitrogen Sensitive Area designation under Title 5 is a blunt instrument that may not address specific local conditions and needs.
 - While DEP will provide financial and regulatory support, the impetus for moving forward must come from the local municipalities.
 - While DEP in the past has "set aside" funds for certain categories of projects, that practice has ceased so that MEP communities will have to compete with other projects statewide. However, the fact that the projects are based on TMDL reports and are regional based will help in receiving priority.
 - The timing for initial projects may have been overly- optimistic since we were all breaking new ground. While that time cannot be made up, we are now on track for future projects. In addition to staying on track with future schedules, it's important to keep in mind the larger goal of remediation and restoration.
2. Steve Halterman discussed the TMDL process:

- It is important to complete the first document for Chatham since that will form the basis of future documents. DEP's experience in preparing the first TMDL documents will help in developing later documents.
- The review process includes multiple reviews by the municipality and EPA prior to public notice. After addressing public notice comments, the TMDL report will again be revised, as necessary, and re-submitted to the municipality.